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UBER TECHNOLOGIES, INC.
14 and OTTOMOTTO LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 WAYMO LLC,
19 Plaintiff,
20 v.
21 UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,
22 Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MICHELLE
YANG IN SUPPORT OF
PLAINTIFF'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS LETTER BRIEF
AND EXHIBITS 3, 4, AND 5
THERETO (DKT. 595)**

Trial Date: October 2, 2017

1 I, Michelle Yang, declare as follows:

2 1. I am an attorney at the law firm of Morrison & Foerster LLP. I make this
 3 declaration based upon matters within my own personal knowledge and if called as a witness, I
 4 could and would competently testify to the matters set forth herein. I make this declaration in
 5 support of Plaintiff's Administrative Motion to File Under Seal Portions of Its Letter Brief and
 6 Exhibits 3, 4, and 5 Thereto (Dkt. 595).

7 2. I have reviewed the following documents and confirmed that only the portions
 8 identified below merit sealing:

Document	Portions to Be Filed Under Seal
Waymo's Letter Brief	Highlighted Portions on Page 7
Exhibits 3	Entire Document Except for 3:17-4:25 ¹
Exhibits 4 and 5	Entire Documents

14 3. Exhibit 3 is an excerpt from Defendants' Responses to Waymo's First Set of
 15 Expedited Interrogatories, designated Highly Confidential and Attorneys' Eyes Only. The
 16 interrogatory responses contain highly confidential business information that would competitively
 17 harm Uber if disclosed, such as identification of Uber's LiDAR-related projects by name,
 18 confidential vendor, or technical feature; communications and agreements made in the context of
 19 business negotiations that reveal how negotiations were conducted and the financial structure of
 20 transactions. This highly confidential information is not publicly known, and their confidentiality
 21 is strictly maintained. I understand that this information could be used by competitors or
 22 counterparties to Uber's detriment, including to gain an advantage over Uber in development
 23 strategy or in the context of business negotiations. For example, disclosure of Uber's LiDAR-
 24 related projects, confidential vendor, and technical feature information would allow competitors
 25 to understand Uber's work with LiDAR and allow them to tailor their LiDAR development

26
 27

¹ Uber withdrew its designation of the response to expedited Interrogatory No. 1 as
 28 Confidential. (See Ex. 3 at 3:17-4:25.)

strategy. Disclosure of these communications and agreements in the context of business negotiations would allow competitors or counterparties to tailor their negotiation tactics to counter Uber. If such information were made public, I understand Uber's competitive standing could be significantly harmed.

4. In addition, Exhibit 3 contains the names and locations of Uber employees working on LiDAR-related projects, and disclosure of their information would harm their privacy interests. Defendants request this list be kept confidential in order to protect the privacy of individuals at a company that is currently the subject of extensive media coverage.

5. Exhibits 4 and 5 contain highly confidential business information relating to business transaction negotiation steps, timing, and strategy. The highlighted portions on page 7 of Waymo's Letter Brief describe highly confidential business information contained in Exhibits 4 and 5. This highly confidential information is not publicly known, and their confidentiality is strictly maintained. I understand that this information could be used by competitors or counterparties to Uber's detriment, including by using this information to gain an advantage over Uber in negotiations for business transactions. Disclosure of this negotiation steps, timing, and strategy information would allow competitors or counterparties to tailor their negotiation tactics to counter Uber. If such information were made public, I understand Uber's competitive standing could be significantly harmed.

6. Defendants' request to seal is narrowly tailored to those portions of Plaintiff's Reply and its supporting papers that merit sealing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 16th day of June, 2017, in Washington, D.C.

/s/ Michelle Yang

Michelle Yang

ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González, am the ECF User whose ID and password are being used to file this Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has concurred in this filing.

Dated: June 16, 2017

/s/ Arturo J. González

Arturo J. González